

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

[1] WANDA VÁZQUEZ GARCED,
[2] JULIO M. HERRERA VELUTINI,
[3] MARK T. ROSSINI,
Defendants.

CRIMINAL NO. 22-342 (SCC)

PARTIES MOTION IN COMPLIANCE WITH COURT ORDER

The United States of America and defendants [1] Wanda Vázquez-Garced, [2] Julio M. Herrera Velutini, and [3] Mark T. Rossini jointly submit this motion in compliance with the Court Order of June 17, 2025. In response to the Court's specific questions, the parties state as follows:

1. The parties have come to terms on plea agreements that would resolve the instant case. The plea agreements are made pursuant to Fed. R. Crim. P. 11(c)(1)(A) & (B) and will require the United States to file an Information for each defendant pursuant to Fed. R. Crim. P. 58, as the pending indictment will be dismissed.

2. A waiver of Indictment will not be necessary, but the parties anticipate that each defendant will be assigned a new case number based on local practice and since separate Informations will be filed pursuant to each defendant's plea agreement.

3. In response to the Court's request as to the possibility of holding a change of plea hearing by video teleconference, the parties submit that the Court has explicit authority to do so pursuant to Federal Rule of Criminal Procedure 43(b)(2) because the defendants' agreement with

the government contemplates pleading to a misdemeanor information.¹

4. Under Rule 43(b)(2), the Court may permit a defendant to appear by video teleconference for arraignment, plea, trial, and sentencing if the offense is a misdemeanor and the defendant consents in writing. *See also United States v. Bethea*, 888 F.3d 864, 866 (7th Cir. 2018)(“Moreover, Rule 43 was amended in 2011 to permit videoconference pleas for misdemeanor offenses.”), *overruled on other grounds as recognized in United States v. Davis*, 29 F.4th 380, 387–88 (7th Cir. 2022); *United States v. Portolyoni*, 2020 WL 5604047, at *5 (S.D.N.Y. Sep. 18, 2020) (“Notably, Rule 43 expressly permits a defendant to waive his presence at sentencing for misdemeanors. The Rule has no similar provision for a felony sentencing.”). Thus, because the agreements contemplate misdemeanor pleas, and the defendants are prepared to consent in writing to proceeding with the arraignment and plea by video teleconference, Rule 43 expressly authorizes the Court to proceed by video teleconference. Defendants Rossini and Herrera are out of the jurisdiction and therefore respectfully request that the Court permit them to appear via video teleconferencing pursuant to Fed. R. Crim. P. 43(b)(2) for the arraignment and plea hearing. This will avoid unnecessary delay due to travel restrictions for Mr. Herrera. Defendant Vazquez also agrees to appear virtually so that all Defendants can appear on the same day. All Defendants will submit the requisite written consent.

5. The defendants would further proffer that they are all available on June 30, 2025 and July 1, 2025, to enter their guilty pleas pursuant to the plea agreements with the United States. The United States is available at the Court’s convenience.

WHEREFORE, the parties respectfully request that the Court take notice of the foregoing.

Respectfully submitted on this 20th day of June 2025.

¹ The Informations will charge a misdemeanor violation of 52 U.S.C. § 30121 (Contribution by a Foreign National) and § 30109(d)(1)(A)(ii) (Penalties for Violations)

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system.

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